



PATENT  
Attorney Docket No. 101.0053-01000  
Customer No. 22882  
Express Mail Label EQ477102744US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary Karlin Michelson )  
Serial No.: 10/047,545 )  
Filed: January 16, 2002 )  
For: THREADED FRUSTO-CONICAL )  
INTERBODY SPINAL FUSION )  
IMPLANTS )

Group Art Unit: 3764  
Examiner: Michael Brown

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-3726.

Copies of the non-U.S. patent documents are enclosed. In addition, an English-language abstract of the non-English language document is enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that it was considered by making appropriate notations on the attached form.

08/03/2006 MBLANCO 00000025 583726 10047545

This submission does not represent that a search has been made of that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claims in the application and Applicant determines that the cited document

does not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

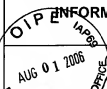
Respectfully submitted,

MARTIN & FERRARO, LLP

Date: August 1, 2006

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| Substitute for FORM PTO-1449   | Attorney Docket Number<br>101.0053-01000 | Customer No.<br>22882                          |
|  INFORMATION DISCLOSURE CITATION<br>IN AN APPLICATION<br>(Use several sheets if necessary)<br>Sheet <u>1</u> of <u>1</u> | Applicant<br>Gary K. Michelson           | Application Number<br>10/047,545               |
|  | Filing Date<br>January 16, 2002          | Group Art Unit<br>3764<br>Examiner<br>M. Brown |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE   | NAME            | CLASS | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
|---------------------|-----------------|--------|-----------------|-------|----------|-------------------------------|
| /M.B./              | 3,867,728       | 2/1975 | Stubstad et al. |       |          |                               |
|                     |                 |        |                 |       |          |                               |
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## FOREIGN PATENT DOCUMENTS

|        | DOCUMENT NUMBER | DATE   | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>(YES/NO) |
|--------|-----------------|--------|---------|-------|----------|-------------------------|
| /M.B./ | EP 0 716 840    | 6/1996 | Europe  |       |          | N/A                     |
| /M.B./ | FR 2 742 044    | 6/1997 | France  |       |          | Abstract Only           |
| /M.B./ | WO 94/17759     | 8/1994 | WIPO    |       |          | N/A                     |
|        |                 |        |         |       |          |                         |
|        |                 |        |         |       |          |                         |
|        |                 |        |         |       |          |                         |
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| EXAMINER<br>/Michael Brown/   | DATE CONSIDERED<br>02/17/2008 |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. |                               |